

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 25th day of
April, 2018.

In the Matter of the Application of Confluence Rivers)	
Utility Operating Company, Inc. to Acquire Certain)	
Water and Sewer Assets, For a Certificate of)	<u>File No. WM-2018-0116</u>
Convenience and Necessity, and, in Connection)	<u>File No. SM-2018-0117</u>
Therewith, To Issue Indebtedness and Encumber)	
Assets)	

ORDER DENYING REQUEST TO JOIN PARTIES

Issue Date: April 25, 2018

Effective Date: April 25, 2018

On March 15, 2018, the Office of the Public Counsel (“OPC”) filed a Response to Staff Recommendation and Motion for Hearing. In that motion, OPC moves the Commission to enjoin the parties who wish to sell their water and sewer assets to Confluence Rivers Utility Operating Company (“Confluence Rivers”), and to suspend these proceedings until those sellers are parties.

OPC relies on Section 393.190.1 RSMo, which prohibits anyone from selling public utility assets used to serve the public without a prior Commission order. The Staff of the Commission and Confluence Rivers oppose OPC’s request.

The Commission will deny OPC’s request. The plain language of the statute upon which OPC relies states that “. . . *Any person seeking any order* under this subsection”¹ Thus, the General Assembly contemplated that the seller of public utility assets is not

¹ Section 393.190 RSMo 2016 (emphasis supplied).

the only party who can request relief under this subsection. This conclusion is consistent with the purpose of the statute, which is “. . . to ensure the continuation of adequate service to the public served by the utility.”² Furthermore, the relevant Commission rules do not require the assets’ sellers to be parties in the case.³ Confluence Rivers’ application for relief under Section 393.190 RSMo is not insufficient due to the sellers not being parties.

For these reasons, the Commission will deny OPC’s request.

THE COMMISSION ORDERS THAT:

1. The Office of the Public Counsel’s request to join certain parties and to suspend these proceedings is denied.
2. This order shall become effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Hall, Chm., Kenney, Rupp, and
Silvey, CC., concur.
Coleman, C., absent.

Pridgin, Deputy Chief Regulatory Law Judge

² *State ex rel. Fee Fee Trunk Sewer, Inc. v. Litz*, 596 S.W.2d 466, 468 (Mo. App. 1980).

³ Commission Rules 4 CSR 240-3.310, 605.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 25th day of April 2018.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

April 25, 2018

File/Case No. WM-2018-0116 and SM-2018-0117

Missouri Public Service Commission

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive style with a large, prominent "M" and "W".

**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.